

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CHAMBER SUMMONS NO.75 OF 2005

IN

SUIT NO.2464 OF 2004

Hernie Mark Almeida. ..Plaintiff.

Vs.

Carol Bhagyat Nee Carol and ors. ..Defendants.

And

Hymayun I. Shaikh. ..Respondent.

Mr. C. D'souza for the Plaintiff.

Mr. T.R. Yadav i/by C.R. Naidu for the Defendants.

Mr.M.K. Khatri for the Respondent.

CORAM : A.M. KHANWILKAR, J.

DATED : 5TH JULY, 2005

P.C.:

1. Heard counsel for the parties. Perused the pleadings. As it is not in dispute that the share in the suit property has been transferred in favour of the respondent by the defendant No.1. In my opinion, presence of respondent in the suit is essential for full, effectual and complete adjudication. Although this application is opposed by the respondent, I am inclined to allow the same in the interest of justice, in terms of prayer clause (a), (b) and (c). No order as to costs. Ordered accordingly. Amendment to be carried out within two weeks from today.

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(A.M. KHANWILKAR, J.)